IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5470 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.J.P.Kharge for the petitioner.

CORAM: D.B.BHOSALE, J.
DATED: 18TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. This writ petition challenges the order dated 21.4.2006 by which the application at Exhibit-15 filed by the petitioner under Order 7 Rule 10A and 11 and Order 9 Rule 5 and 9 of the CPC. seeking dismissal of the appeal, has been rejected by the School Tribunal. The dismissal of the appeal was sought mainly on the ground that it was barred by the limitation in view of the provisions contained in Order 7 Rule 10A of the Code of Civil Procedure. The dismissal was also sought under Order 7 Rule 11 and Order 9 Rule 5 of the CPC. Mr.Kharge, learned counsel for the petitioner argued this petition for sometime and having realised that I was not

inclined to interfere at this stage, he fairly stated that the petitioner may be given liberty to challenge the order impugned in further proceedings after disposal of the appeal by the tribunal. After having considered the order impugned in the present writ petition and overall facts and circumstances of the case I find no reason to refuse the liberty prayed for by the petitioner. In the circumstances this writ petition is disposed of with liberty as prayed for. All contentions are kept open.

(D.B.Bhosale, J.)